

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-00524-MCS-AJR

Date: October 17, 2024

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Title: Jessica Martinez v. United States of America

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DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD  
NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

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PRESENT:

**HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE**

Claudia Garcia-Marquez

Deputy Clerk

None

Court Reporter/Recorder

None

Tape No.

ATTORNEYS PRESENT FOR  
PLAINTIFF:

None Present

ATTORNEYS PRESENT FOR  
DEFENDANTS:

None Present

**PROCEEDINGS: (IN CHAMBERS)**

On January 19, 2024, Plaintiff Jessica Martinez (“Plaintiff”), a California resident proceeding *pro se*, filed a complaint (the “Complaint”) against “United States of America.” (Dkt. 1.) On January 30, 2024, the Court dismissed the Complaint with leave to amend for failure to comply with Federal Rule of Civil Procedure 8. (Dkt. 6.)

On June 20, 2024, Plaintiff filed a First Amended Complaint (the “FAC”) naming the following 13 defendants: (1) the United States; (2) Los Angeles Police Department (“LAPD”); (3) United States Department of Justice (“DOJ”); (4) State of California; (5) Social Security Administration (“SSA”); (6) City of Los Angeles employees (“City Employees”); (7) County of Los Angeles employees (“County Employees”); (8) Los Angeles County Superior Court, Stanley Mosk Courthouse judges, clerks, security guards, records, and the entire court employees; (9) the Federal Bureau of Investigations (“FBI”)

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agents; (10) Los Angeles County Board of Supervisors (“Board of Supervisors”); (11) the United States Citizenship and Immigration Services (“USCIS”); (12) the Department of Homeland Security (“DHS”); and (13) the Los Angeles County General Hospital (collectively “Defendants”). (Dkt. 16 at 3-7.) The FAC failed to indicate the capacity in which Plaintiff sues Defendants. The FAC was not a model of clarity. Read liberally, Plaintiff appeared to allege that Defendants -- including federal, state, and local governmental entities and unnamed employees were independently engaged in a vast conspiracy to subject Plaintiff and her family to various injustices and denial of government benefits. (Dkt. 16 at 3-4, 6, 8.) Plaintiff asserted state law claims of intentional infliction of emotional distress, torture, wrongful death on Plaintiff’s partner, and property damage against Defendants. (*Id.* at 13-16.) Liberally construed, it appeared Plaintiff’s FAC asserted a First, Fourth, and Fourteen Amendment violation. (*Id.* at 3, 6.) The FAC sought the following monetary damages: (1) \$20,000 for property loss; (2) \$100,000 for property damage; and (3) \$20 million for “relief for all the pain and torture.” (*Id.* at 17.)

On July 26, 2024, the Court dismissed the FAC with leave to amend based on Plaintiff’s failure to comply with Federal Rule of Civil Procedure 8, state a Monell claim against Defendants, state a claim against individual defendants, comply with the claims presentation requirement of the California Government Claims Act, and based on Defendants’ Eleventh Amendment immunity from suit for monetary damages. (Dkt. 17.) The Court direct Plaintiff to file a Second Amended Complaint (“SAC”), if any, by August 25, 2024. (*Id.* at 16.) On August 28, 2024, the Court granted Plaintiff’s request for an extension of time to file a SAC by September 27, 2024. (Dkt. 19.)

Nearly three weeks have passed since Plaintiff’s deadline to file a SAC in response to the Court’s Order. As of today, Plaintiff has neither filed an amended complaint nor requested another extension of time in which to do so. The action cannot move forward unless and until Plaintiff files an amended complaint. Plaintiff is ordered to file a SAC, if any, by **October 31, 2024** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a SAC, it should bear the docket number assigned to this case (2:24-cv-00524-MCS-AJR), be labeled “Second Amended Complaint,” and be complete and of itself without reference in any manner to

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the original Complaint, First Amended Complaint, or any other document (except any document that Plaintiff chooses to attach to the SAC as an exhibit). Plaintiff is encouraged to state her claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a SAC, she is encouraged to utilize the form complaint attached to this Order.

**Plaintiff is expressly advised that if she does not file a SAC by the Court's deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders.** If Plaintiff no longer wishes to pursue this action or certain claims or defendants, she may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's convenience.

IT IS SO ORDERED.

Attachments:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).  
Pro Se 15, Complaint for Violation of Civil Rights (Non-Prisoner), available at  
<https://www.uscourts.gov/forms/pro-se-forms/complaint-violation-civil-rightsnonprisoner>.